

REMARKS

Status of claims

Claims 1-9 have been objected to under 35 USC 112 for indefiniteness.

Claims 1-9 have been rejected under 35 USC 103(a) for obviousness over Admission in view of Liu.

Claim 1

Claim 1 has been amended to address the indefiniteness objection. The phrase “a level of channel capacity which any of the instantaneous channel capacity values has a predetermined probability of being less than” is replaced by --a level of channel capacity such that any of the instantaneous channel capacity values is to a predetermined probability below that level--.

Amended claim 1 is distinguished over Admission by the following features: “processing the values to determine a level of channel capacity such that any of the instantaneous channel capacity values is to a predetermined probability below that level, and looking up said level in predetermined calibration data of FER versus the channel capacity level so as to provide an FER value.”

In this regard Admission teaches less than the Examiner asserted in his office action. Compare Figures 3 and 4 of the present application. The Examiner is correct that Admission discloses determining values (e.g. C) of instantaneous channel capacity over a predetermined time. It will be appreciated that Admission discloses in a calibration phase determining FER values, and corresponding values (C) of instantaneous channel capacity over a predetermined time for various signal-to-noise ratios, see (previous) page 5, line 25, to (previous) page 6, line 2. FER is thus related to C and average signal-to-noise ratio value by calibration curves, see (previous) page 5 lines 2 to 10.

These curves are for subsequent use in deriving an FER value from a particular value of C and signal-to-noise ratio, see Figure 3 and (previous) page 5, line 27, to (previous) page 6, line 1.

Importantly Admission does not disclose nor suggest processing the (instantaneous channel capacity) values (e.g. C) to determine a level (e.g. C_s) of channel capacity such that any of the instantaneous channel capacity values (e.g. C) is to a predetermined probability below

that level. This feature, which is not taught nor suggested by Liu either, has the benefit of enabling fast fading to be taken account of, see e.g. description page 2, lines 21 to 27, and (previous) page 6, lines 5 to 16.

It follows that claim 1 is patentably distinguished to the standard of 35 USC 103 over the cited art.

Dependent Claims 2 to 5

Dependent claims 2 to 5 are patentable not least on the basis that they each depend on an allowable independent claim 1.

Claims 6, 7, 8

Each of independent claims 6, 7, and 8 has been amended in line with claim 1, and is patentable on the same basis as claim 1.

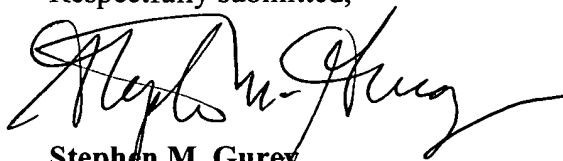
Dependent claim 9

Dependent claim 9 is patentable not least on the basis that it depends on an allowable independent claim 8.

Conclusion

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicant's undersigned attorney at **973 386 8252**

Respectfully submitted,



Stephen M. Gurex
Attorney for the Applicants
Reg. No. 27,336
(973) 386-8252

Date: Dec. 12, 2000

Docket Administrator (Room 2F-192)
Alcatel-Lucent
600 Mountain Avenue
Murray Hill, NJ 07974-0636